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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,069	05/13/1999	SHIGETAKA TANAKA	2271/59262	8608

7590

10/22/2003

COOPER & DUNHAM LLP  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10038

EXAMINER
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POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/317,069

Applicant(s)

TANAKA, SHIGETAKA

Examiner

Joseph R. Pokrzywa

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: of the reasons indicated in the attached Office action.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
EDWARD COLES  
SUPERVISOR, EXAMINER

## DETAILED ACTION

### *Advisory Action*

1. The period for reply continues to run 3 MONTHS from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the appropriate fee. The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. A reply within the meaning of 37 CFR 1.113 or a request for a continued examination (RCE) in compliance with 37 CFR 1.114 must be timely filed to avoid abandonment of this application.

### *Response to Arguments*

2. The request for reconsideration dated 9/22/03 has been entered and considered but does not overcome the rejection because of the following reasons.

In response to applicant's arguments regarding the rejection of independent *claims 1, 4-7, 10, and 11*, as being anticipated by Imai *et al.* (U.S. Patent Number 6,104,504), wherein on page 11, the applicant argues that Imai fails to teach of comparing the identification information of the calling facsimile machine on the one hand and on the other hand prestored identification information for a plurality of different machines which have common specifications of optional frames. The examiner notes that the claims currently do not specifically require "comparing" the identification information of the calling facsimile machine with that of prestored identification information for a plurality of different machines which have common specifications of optional

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frames, as argued. Particularly, claim 1 requires “verifying said identification information of said calling facsimile machine with the identification information prestored in said memory”. While the term “verifying” and the term “comparing” can have similar meanings, one of ordinary skill in the art can recognize that verifying does not necessarily require comparing. Imai teaches of providing a facsimile apparatus with a memory which prestores identification information for a plurality of different facsimile machines having common specifications of optional frames (being a memory box having a corresponding number variable tmp-box-no, being then designated as a tmp-sel-pix, as read in column 4, lines 14 through 34), receiving a call from a calling facsimile machine for a facsimile communications operation using an optional frame (being a SEP signal) and identification information of the calling facsimile machine (column 3, line 48 through column 4, line 21, and column 8, lines 3 through 20), and verifying the identification information of the calling facsimile machine with the identification information prestored in the memory (seen in steps S7 and S9 of Fig. 3, and column 4, lines 15 through 51, whereby the memory box indicated in the SEP signal is verified with that of a corresponding memory box number tmp-box-no, designated as a tmp-sel-pix in step S6). Because of this, one of ordinary skill in the art can recognize that Imai teaches the limitations as currently worded in the claim.

Therefore, the rejection of **claims 1 and 3-11**, as cited in the Office action dated 7/15/03, under 35 U.S.C. 102(e), as being anticipated by Imai *et al.*, are maintained.

Continuing, the applicant argues on page 11 that Yoshida (U.S. Patent Number 5,671,270) fails to teach of providing a facsimile apparatus with a memory which prestores identification information for a plurality of different facsimile machines having common

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specifications of optional frames, and verifying the identification information of a calling facsimile machine with the identification stored in the memory. This limitation is found in independent claim 1, which the primary reference of Imai discloses, as discussed above. The examiner notes that the reference of Yoshida is used to teach a feature taught in dependent claim 2 that the primary reference of Imai fails to specifically teach. Regardless, Yoshida still can be interpreted to provide a facsimile apparatus with a memory which prestores identification information for a plurality of different facsimile machines having common specifications of optional frames (column 6, line 50 through column 7, line 25, and column 11, lines 6 through column 12, line 64, being a registered password corresponding to a PWD signal), receiving a call from a calling facsimile machine for a facsimile communications operation using an optional frame and identification information of the calling facsimile machine (column 11, line 39 through column 12, line 21), and verifying the identification information of the calling facsimile machine with the identification information prestored in the memory (column 5, line 40 through column 6, line 54, column 11, lines 6 through 16, as various protocol signals are verified if they are received). Further, Yoshida teaches that the identification information prestored in the memory comprises subscriber identifications each contained in a frame TSI to be generated by each of the plurality of different facsimile machines (column 6, line 50 through column 7, line 25, and column 9, lines 40 through 48) and the identification information received in the receiving step is a subscriber identification contained in a frame TSI generated by the calling facsimile machine (column 6, line 50 through column 7, line 25, and column 9, lines 40 through 48). Because of this, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Yoshida's teachings in the system of Imai. Imai's system

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would easily be modified to include Yoshida's teachings, as the systems share cumulative features, being additive in nature.

Therefore, the rejection of dependent **claim 2**, as cited in the Office action dated 7/15/03, under 35 U.S.C. 103(a), as being unpatentable over Imai *et al.* in view of Yoshida, is maintained.

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

J. P. P.

Joseph R. Pokrzywa  
Examiner  
Art Unit 2622

jrj

  
EDWARD COLES  
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